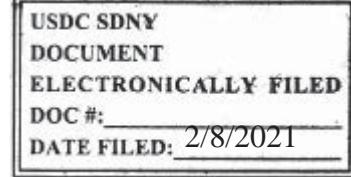


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Monice Smith,

Plaintiff,

—v—

Long Island Railroad Company,

Defendant.

19-cv-9519 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The Court received the parties joint pre-trial report. Dkt. No. 43. Plaintiff demands a jury trial and the parties estimate the trial will last 2.5-3 days. *Id.*

The Court sets a tentative trial date for **August 2, 2021**. The Southern District of New York has reconfigured courtrooms and other spaces in its courthouses to allow jury trials to proceed as safely as possible during the COVID-19 pandemic. Due to the protocols implemented in response to the challenges posed by the COVID-19 pandemic, the Southern District is scheduling all jury trials through a centralized calendaring process, giving priority to criminal trials.

Though the Court will make every effort to try the case at the currently scheduled date, it cannot guarantee that a jury trial in this matter will be able to proceed as scheduled.

Accordingly, the parties are hereby ORDERED to meet and confer and submit a joint letter by **March 1, 2021**, responding to the following questions:

1. In the event that this case proceeds to trial, do all parties consent to a bench trial before this Court? If either party does not consent to a bench trial, the parties shall advise the Court that they do not consent, but without disclosing the identity of the party or parties who do not consent. The parties are free to withhold consent without negative consequences.

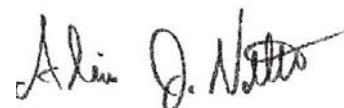
2. If the parties instead elect to proceed with a jury trial, are they prepared to proceed to trial on the scheduled date?

If the parties do not consent to a bench trial and indicate that they are ready to proceed with a jury trial on the scheduled date, the Court will request a jury for that date, consistent with the protocols implemented by the Southern District. In that event, the parties shall be prepared to proceed to trial as of that date and on each following week through September 2021. The Court will provide the parties as much notice as possible about whether their case will proceed to trial during any of those weeks.

IT IS FURTHER ORDERED that a final pretrial conference will occur on **July 16, 2021** at 3:30 PM. Prior to this conference, the parties are to make an additional good faith effort at settlement. By **June 11, 2021**, the parties are to submit a joint letter indicating whether they have engaged in good faith settlement efforts and whether they want to be referred to the Southern District's mediation program or to the Magistrate Judge for settlement.

SO ORDERED.

Dated: February 7, 2021  
New York, New York



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ALISON J. NATHAN  
United States District Judge